

## **REMARKS**

Claims 3-7, 16-18, 21 and 22 are pending in this application, of which claims 3, 16, 21 and 22 are in independent form. Claims 3 and 16 have been amended. New claims 21 and 22 have been added. Reconsideration is respectfully requested.

### **Rejections Under 35 U.S.C. §102(e)**

Claims 3-5, 7 and 16-18 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. D490,014 to Mehta (“the Mehta ‘014 patent”). Applicant has amended claims 3 and 16 to more clearly define Applicant’s invention. Claim 3 now recites a stone having “a plurality of pavilion main facets, wherein each pavilion main facet extends from near said culet to said girdle.” Claim 16 now recites a method for cutting a stone comprising “forming a plurality of pavilion main facets on said pavilion portion . . . wherein each pavilion main facet extends from near said culet to said girdle.”

Applicant respectfully submits that the Mehta ‘014 patent does not teach or suggest all of the limitations of claims 3 and 16. Specifically, there is no teaching or suggestion in the Mehta ‘014 patent of a stone having a plurality of pavilion main facets, wherein each pavilion main facet extends from near the culet to the girdle. As all the features recited in independent claims 3 and 16, as amended, are not taught or suggested by the Mehta ‘014 patent, Applicant submits that these claims are allowable over the Mehta ‘014 patent. Moreover, dependent claims 4, 5 and 7 depend from independent claim 3 and dependent claims 17 and 18 depend from independent claim 16, and are allowable for at least the same reasons as discussed above in connection with claims 3 and 16.

### **Rejection Under 35 U.S.C. §103(a)**

Dependent claim 6 was rejected under 35 U.S.C. §103(a) over the Mehta ‘014 patent in view of U.S. Patent No. D488,740 to Freund (“the Freund ‘740 patent”). Dependent claim 6 depends from independent claim 3 and is allowable for at least the same reasons as

discussed above in connection with claim 3. Therefore, the rejection under 35 U.S.C. §103(a) over the Mehta '014 patent in view of the Freund '740 patent is moot.

**New Claims 21 and 22**

New claims 21 and 22 have been added. No new matter has been added as the new claims are supported by the specification as originally filed.

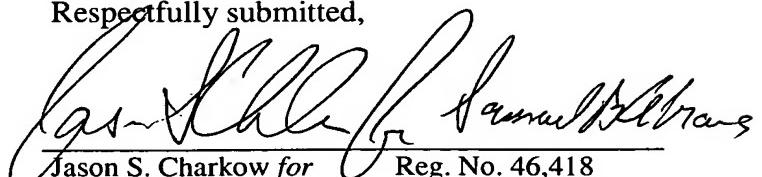
Claim 21 and 22 are patentable over the Mehta '014 patent and the Freund '740 patent. Claim 21 recites "a plurality of lower girdle facets positioned between adjacent pavilion main facets." Claim 22 recites "forming a plurality of lower girdle facets between adjacent pavilion main facets." The Mehta '014 patent and the Freund '740 patent do not teach or suggest all of the limitations of claims 21 or 22. Specifically, there is no teaching or suggestion in the Mehta '014 patent or the Freund '740 patent of a plurality of lower girdle facets between adjacent pavilion main facets.

In light of Applicant's amendments and remarks, a notice of allowance is respectfully requested. Should the examiner have any questions or concerns regarding this amendment or the above-identified application, then a telephonic interview with the undersigned is respectfully requested to discuss any such questions or concerns and to accelerate the allowance of the above-identified application.

No fee is believed due for this submission. However, should any fee be required, please charge all such fees to Jones Day Deposit Account No. 503013.

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Respectfully submitted,

  
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